

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HORIZON CELLULAR TELEPHONE COMPANY OF)	
SPENCER, L.P., A DELAWARE LIMITED)	
PARTNERSHIP, FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO. 93-148
AND NECESSITY FOR THE CONSTRUCTION)	
AND OPERATION OF AN EXTENSION TO)	
THE TOWER LOCATED AT THE BARDSTOWN)	
CELL SITE)	

O R D E R

On April 21, 1993, Horizon Cellular Telephone Company of Spencer, L.P. ("Horizon Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. Horizon Cellular has requested authorization to add an extension to a previously approved tower in Nelson County.¹ Horizon Cellular was previously granted authority to

¹ Case No. 92-458, Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, for Issuance of a Certificate of Public Convenience and Necessity for the Construction and Operation of a Cell Site in the Kentucky Rural Service Area Which Includes Spencer, Nelson, Anderson, Hardin, Washington, Mercer, Larue, Marion, Green and Taylor Counties in Kentucky.

operate a cellular radio telecommunications system in RSA No. 4 in Case No. 92-485.²

The existing cell site consists of a 254-foot or less guyed antenna tower located on the west side of Spencer Mattingly Road, approximately .5 mile southwest of the intersection of Spencer Mattingly Lane and State Road 605, Bardstown, Nelson County, Kentucky ("the Bardstown cell site"). The coordinates for the Bardstown cell site are North Latitude 37° 49' 14" by West Longitude 85° 25' 29". Horizon Cellular requests Commission approval to construct a 110-foot extension to the tower, for a total tower height of 365 feet or less.

Horizon Cellular has provided information regarding the structure of the tower extension, safety measures, and antenna design criteria for the Bardstown cell site. Based upon the application, the tower extension design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Bardstown cell site's construction is exempt from local zoning ordinances. Horizon

² Case No. 92-485, Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in the Kentucky Rural Service Area Which Includes Spencer, Nelson, Anderson, Hardin, Washington, Mercer, Larue, Marion, Green and Taylor Counties in Kentucky; for a Certificate of Public Convenience and Necessity to Construct a Cell Site in Elizabethtown, Kentucky; and for Establishment of Initial Rates.

Cellular has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the extension of the Bardstown tower. Horizon Cellular has received approval from the FCC, while the KAZC and FAA have yet to take action.

Horizon Cellular filed notices in Case No. 92-548 verifying that each property owner and/or resident within 500 feet of the Bardstown cell site had been notified of the 365-foot tower construction. The notice solicited any comments and informed the property owners and/or residents of their right to intervene. No intervention requests were received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Horizon Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Horizon Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horizon Cellular

should be granted a Certificate of Public Convenience and Necessity to extend the Bardstown tower in RSA No. 4.

IT IS THEREFORE ORDERED that:

1. Horizon Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 365-foot or less guyed cellular radio telecommunications antenna tower in RSA No. 4 to be located on the west side of Spencer Mattingly Road, approximately .5 mile southwest of the intersection of Spencer Mattingly Road and State Road 605, Bardstown, Nelson County, Kentucky. The coordinates for the Bardstown cell site are North Latitude 37° 49' 14" by West Longitude 85° 25' 29".

2. Horizon Cellular shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.

3. Horizon Cellular shall immediately notify the Commission in writing, if, after the 110' extension to the antenna tower is constructed, the tower, as extended, is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director